

REMARKS

Claims 14, 15, 18, 19, 26, 32, 33, 34, 39, 40, 91, 93, 95, 96, and 97 have been amended. New claims 98 and 99 have been added.

Support for the Amended and New Claims

Each independent claim now recites resizing “the portion of the first body to proportionally conform with the second body as the second body changes position within the second media stream.” New claim 98 refers to resizing as “including resizing the portion of the first body to conform with the second body as the second body changes depth within the media stream.” Support can be found in the specification, including (but not limited to) the following paragraphs of the application-as-published (2003/0051255):

- [0039] The personalized or custom information is then employed in the production of a customized or personalized presentation. Typically, the image is animated by a combination or scaling, rotation and translation for two-dimensional representations, and a full suite of three dimensional movements, (six axis plus scaling) for three dimensional models.
- [0040] In the case of a simple two dimensional image representing an anatomical portion, one or more reference points (or vectors) are defined, to allow standardized control over positioning. Control over presentation of a two dimensional image preferably comprises positioning information including a single point, and a scaling factor. The image, in such a case, is presumed to have a predetermined anatomical orientation, i.e., the angle and 3D-orientation projection are already normalized to a sufficient degree. However, the positioning information may also include one or more vectors defining one or more additional degrees of freedom for normalization, comprising information relating to a three or four dimensional representation of the anatomical portion

- [0045] The animation of the subject typically consists of synchronizing the size and position of the subject's static head/face to the size and position of a pre-animated body...
- [0047] ...Thus, the face image information may be mapped onto a three dimensional generic facial model...
- [0068] ...For example, a portrait image is then cropped to separate the head of the subject from any background. Typically, the body is also separated. This image may then be used directly, scaled and translated within the output image as appropriate. It has been found that the human brain perceives a facial image that is distorted by differential scaling along a vertical and horizontal axis as being rotated, especially during a rapidly changing dynamic presentation. Thus, pseudo three dimensional effects may be obtained without true processing of the image to a higher level of dimensionality
- [0094] The present invention therefore provides customized templates for adding an external image to a stored video sequence, resulting in a different production for each separate customized input set...
- [159] ... the first anatomical portion of a subject is a head and the second anatomical portion is a body, preferably derived from different sources, e.g., the head portion is from a different entity than the body portion. The first image information is obtained either through a video or electronic camera from scanning one or more still pictures. Alternatively, an artist may produce a drawing or caricature of the head and/or body portions, either directly with an electronic capture system or using standard artistic media which is later input into the computer system by scanning or other imaging process. The second image comprises an animated sequence, a videotape, a series of still scenes, or computer generated background scenes. The second image preferably has an anatomical adjoining part which allows normal appearing placement of the anatomical part of the first image, or includes a buffer zone which obscures misalignment or other visual artifacts from the merging process. Alternatively, the second image includes only the second anatomical portion, e.g., body, which is electronically joined with the first anatomical portion, e.g. head, and the joined first and second images are together superimposed on a background"

In view of the foregoing, Assignee respectfully asserts that the amendment does not introduce new matter.

Additionally, to the extent required, Assignee offers to amend the specification to include text from U.S. Patent 6,351,265 which was incorporated by reference in the present application as application 09/300,987. For example, the incorporated material includes the following text at col. 5, lines 8-12:

- In another embodiment of the invention, the image of the anatomical portion may be merged with a video stream, wherein the location and scaling of the anatomical portion is selected or controlled so that the anatomical portion corresponds to and follows structures in the video stream...

35 U.S.C. §103 Rejections

Claims 14-44, 46-73, 91, 93, and 95-97 were rejected as allegedly obvious over U.S. Patent No. 6,054,999 (Strandberg) in view of U.S. Patent No. 5,459,829 (Doi et al.).

Without agreeing that the rejections were proper, Assignee respectfully notes that each independent claim states that (1) the first body is different from the second body and (2) that the first portion of the first body is resized as the second body changes position within the second media stream.

(1) The claims state that the first body is different from the second body

The Office Action refers to Strandberg's descriptions of key drawings as teaching both first and second media streams. However, these key drawings are parts of the same body, not different bodies (see, e.g., “the cartoon figure has been stored in the form of a multiple of key drawings for each body segment, each of which has been allotted a part code for a contemplated, continuous pattern of movement” at col. 3, line 42-45).

The claims recite that the second body is **different from** the first body. Strandberg's teachings of assembling a cartoon figure from parts do not teach or suggest using a first portion (e.g., a head) of a first body with a second portion (e.g., torso, etc.) of a second body. Doi et al. refers to *generating* graphic structures in a presentation support system. Neither reference has been shown to teach or suggest using a first portion of a first body from a first image source or stream with a second portion of a second body accessed from a second image stream.

(2) *The claims state that the first portion of the first body is resized as the second body changes position within the second media stream.*

The independent claims have been clarified to indicate that the first portion of the first body is resized **as the second body changes position within the media stream**. Strandberg states at col. 4, lines 27-33 that, “[t]he actor shall be considered solely as a data producer and *the constitution of the actor's body has no significance whatsoever* with respect to the appearance of the figure, *since the system does not measure proportions*, but solely the mutual angular relationships of different body members and joints.” Strandberg states at col. 6, line 18 that “the figure composition defined with regard to speed, proportions, and position in the image,” but this appears to refer to proportion of the figure in the image after assembly.

More fundamentally, neither Strandberg nor Doi et al. has been shown to teach or suggest using a second media stream in which the second body changes position, with a first portion that is resized as the second body changes position. For example, as noted in the excerpts from the specification, an external image can be added to a stored video sequence, and embodiments can synchronize the size and position of the subject's static head/face to the size and position of a pre-

animated body. On the other hand, Strandberg refers to assembling key frames of a single character and Doi et al. refers to generating graphic components from scratch.

As noted in dependent claim 33 and new claim 98, embodiments can resize the first portion according to depth. For instance, as noted in the specification at paragraph [0068], pseudo three dimensional effects may be obtained without true processing of the image to a higher level of dimensionality. Strandberg and Doi et al. have not been shown to teach or suggest such advantages.

As an example, a second body may move forward or backward within the media stream, and a customized presentation can be provided by resizing the first portion of the first body to conform as the second body moves forward and backward.

New claim 99 recites receiving a plurality of images, each image comprising a first portion of a different first body and generating a plurality of composite media streams, each composite media stream generated by using a first portion of a first body in one of the images, reference information derived based on the respective image, and the media stream from the second media presentation source. The same second media stream can be used for at least two composite media streams that use a different first portion of first body.

Neither Strandberg nor Doi et al. has been shown to teach or suggest use of the same second media stream to produce different composite media streams. As noted above, neither reference appears to appreciate the advantages of using different first and second bodies and/or inclusion of a first portion in a stream where the second portion moves

As noted in the specification, embodiments can provide a *customized* video product; this is possible in a timely manner through use of the claimed resizing and

media streams. Because neither Strandberg nor Doi et al. has been shown to teach or suggest all elements of the present claims or to otherwise render the subject matter obvious, Assignee respectfully requests withdrawal of the rejections.

CONCLUSION

This response is submitted with a fee for the additional independent claim added in the present amendment, but no other fees are believed due for this amendment. However, the Commissioner is hereby authorized to charge any deficiency or credit any overpayment to Deposit Account 11-0855. If there are any issues that can be addressed via telephone, the Examiner is asked to contact the undersigned at 404.815.6500.

Respectfully submitted,

/Eric G Zaiser/

By: Eric G. Zaiser
Reg. No. 58,352

KILPATRICK STOCKTON LLP
1100 Peachtree Street, Suite 2800
Atlanta, Georgia 30309-4530
Telephone: (404) 745-2447 Facsimile: (404) 541-3290
Docket Number: 61195/377475